

LARSON & ZIRZOW, LLC  
850 E. Bonneville Ave.  
Las Vegas, Nevada 89101  
Tel: (702) 382-1170 Fax: (702) 382-1169

LARSON & ZIRZOW, LLC  
ZACHARIAH LARSON, ESQ.  
Nevada Bar No. 7787  
E-mail: zlarson@lzlawnv.com  
MATTHEW C. ZIRZOW, ESQ.  
Nevada Bar No. 7222  
E-mail: mzirzow@lzlawnv.com  
850 E. Bonneville Ave.  
Las Vegas, Nevada 89101  
Tel: (702) 382-1170  
Fax: (702) 382-1169

Attorneys for Defendant/Counterclaimant,  
Marc J. Randazza

GREENE INFUSO, LLP  
JAMES D. GREENE, ESQ.  
Nevada Bar No. 2647  
E-mail: jgreene@greeneinfusolaw.com  
3030 South Jones Blvd., Suite 101  
Las Vegas, Nevada 89146  
Tel: (702) 570-6000  
Fax: (702) 463-8401

LITTLER MENDELSON, P.C.  
WENDY MEDURA KRINCEK, ESQ.  
Nevada Bar No. 6417  
E-mail: wkrincek@littler.com  
3960 Howard Hughes Parkway, Suite 300  
Las Vegas, Nevada 89169  
Tel: (702) 862-8800  
Fax: (702) 862-8811

Attorneys for Plaintiff/Counter-defendant,  
Excelsior Media Corp.

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

MARC JOHN RANDAZZA,  
  
Debtor.

Case No.: BK-S-15-14956-abl  
Chapter 11

EXCELSIOR MEDIA CORP., a Nevada  
corporation; and LIBERTY MEDIA  
HOLDINGS, LLC., a Nevada limited liability  
company,

Adv. No. 15-01193-abl

**STANDARD DISCOVERY PLAN**

Plaintiffs,

v.

MARC JOHN RANDAZZA, an individual,  
  
Defendant.

**Scheduling Conference:**

Date: August 29, 2017  
Time: 10:00 a.m.

**Trial:**

Dates: April 3, 5, 9, 12 and 16, 2018  
Time: 9:30 a.m.

AND RELATED COUNTERCLAIMS.

**1. Discovery Plan**

       **Request for waiver of requirement to prepare and file a formal discovery plan.**

The parties certify that all discovery can be completed informally, without the need of court intervention and in conformance of the Standard Discovery Plan, and that the matter will be ready for trial within 120 days, **or**

  X   **A discovery plan is needed or useful in this case.** Check one:

       The parties agree to the standard discovery plan. The defendant answered or otherwise appeared on       . Discovery shall be completed within        days, measured from the date of the answer,       . Discovery will close by       .

  X   The parties jointly propose to the court the attached discovery plan and scheduling order. (Use Official Form 35 to the Federal Rules of Civil Procedure.)

       The parties cannot agree on a discovery plan and scheduling order. The attached sets forth the parties' disagreements and reasons for each party's position. (Use Official Form 35 of the Federal Rules of Civil Procedure.)

**2. Nature of the Case.** Plaintiffs' *Second Amended Complaint* (the "Complaint") [Adv. ECF No. 58] originally pled claims for nondischargeability pursuant to 11 U.S.C §§ 523(a)(2)(A), (a)(4) and (a)(6), however, per the *Order Granting in Part and Denying in Part Motion to Dismiss* [Adv. ECF No. 91], Plaintiffs' claim pursuant to 11 U.S.C. § 523(a)(2)(A) has been dismissed with prejudice, and per the *Order Granting in Part and Denying in Part Motion for Summary Judgment* [Adv. ECF No. 199], all claims of Liberty Media Holdings, LLC were dismissed on summary judgment. Defendant's *Objection to Proof of Claim and Counterclaim* (collectively, the "Counterclaim") [Adv. ECF. No. 98], asserts objection to claim and breaches of contract.

**3. Jury Trials.** Check one:

  X   A demand for a jury trial has not been made.

       A demand for a jury trial has been made pursuant to Fed. R. Civ. P. 38(b), and in conformity with LR 9015, but one or more of the parties does not consent to a jury trial pursuant to 28 U.S.C. § 157(e).

\_\_\_\_\_ It is expressly understood by the undersigned parties they have demanded a jury trial pursuant to Fed. R. Civ. P. 37(b), and in conformity with LR 9015, and have consented to a jury trial pursuant to 28 U.S.C. § 157(e).

An original and to (2) copies of all instructions requested by either party shall be submitted to the clerk for filing on or before \_\_\_\_\_.

An original and two (2) copies of the suggested questions of the parties to be asked of the jury panel by the court on voir dire shall be submitted to the clerk for filing on or before \_\_\_\_\_.

**4. Additional Pleadings.** Are there any counterclaims, cross claims or amendments to the pleadings expected to be filed?

\_\_\_\_\_ Yes

  X   No

**5. Settlement Conference.**

\_\_\_\_\_ A settlement Conference is requested.

If checked, a settlement conference is requested no earlier than \_\_\_\_\_.

  X   Settlement cannot be evaluated prior to additional discovery. The parties may later request a settlement conference.

**6. Trial.**

The case should be ready for trial by April 1, 2018, and should take five (5) days.

**7.** All parties consent to this Court entering final judgment.

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Dated: August 28, 2017.

By: /s/ Matthew C. Zirzow  
LARSON & ZIRZOW, LLC  
ZACHARIAH LARSON, ESQ.  
Nevada Bar No. 7787  
MATTHEW C. ZIRZOW, ESQ.  
Nevada Bar No. 7222  
850 E. Bonneville Ave.  
Las Vegas, Nevada 89101

Attorneys for Defendant/Counterclaimant,  
Marc J. Randazza

By: /s/ James D. Greene  
GREENE INFUSO, LLP  
JAMES D. GREENE, ESQ.  
Nevada Bar No. 2647  
3030 South Jones Blvd., Suite 101  
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LITTLER MENDELSON, P.C.  
WENDY MEDURA KRINCEK, ESQ.  
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**Report of Parties' Planning Meeting**

1. Pursuant to Fed. R. Civ. P. 26(f), a meeting was held telephonically on **August 28, 2017**, which conference was attended by: James D. Greene, Esq. of Greene Infuso, LLP for Plaintiff/Counter-defendant, Excelsior Media Corp.; and Matthew C. Zirzow, Esq. of Larson & Zirzow, LLC for Defendant/Counter-claimant, Marc J. Randazza.

2. **Pre-Discovery Disclosures.** The parties will exchange by September 29, 2017 the information required by Fed. R. Civ. P. 26(a)(1).

3. **Discovery Plan.** The parties jointly proposed the following discovery plan: Discovery will be needed on the claims, affirmative defenses and counter-claims in the Complaint and Counterclaim except as already dismissed by the Court.

A. All discovery commenced in time to be completed by **February 2, 2018**.

B. Maximum of 30 interrogatories by each side. Responses are due in accordance with the Rules.

C. Maximum of 30 requests for admission by each side. Responses are due in accordance with the Rules.

D. Maximum of 10 depositions for each side. Each deposition limited to maximum of 7 hours unless extended by agreement of the parties.

E. Report from retained experts under Rule 26(a)(2) due:

from Plaintiff by: **December 1, 2017**.

from Defendant by: **January 17, 2018**.

F. Supplementations under Rule 26(e) due in a timely manner if the party learns that in some material respect the disclosure or response is incomplete or incorrect.

4. **Other Items.**

A. The parties request a pretrial conference on or about **April 2, 2018**.

B. Potentially dispositive motions should be filed by **February 10, 2018**.

C. Settlement is unlikely at present, although the parties reserve the right to request a settlement conference judge at a later date.

D. Final lists of witnesses and exhibits under Rule 26(a)(3) shall be filed by all parties by **March 1, 2018** and any objections thereto shall be filed by **March 15, 2018**.

E. The case should be ready for trial by **April 1, 2018**, and is expected to take approximately five (5) days.